



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 5986-00
5 February 2001

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel for the Board for Correction of Navy Records, sitting in executive session, considered your application on 31 January 2001. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 6 March 1995 for four years at age 19. At that time, you extended your enlistment for an additional 12 months in exchange for training in the corpsman field. You were advanced to HA (E-2) on 16 December 1995.

The record reflects that you served without incident until 28 February 1996 when you received nonjudicial punishment (NJP) for drunk and reckless driving, drunk and disorderly conduct, and failure to obey a lawful order. Punishment imposed consisted of a suspended reduction in rate to HR (E-1) and 30 days of restriction and extra duty. Thereafter, you were counseled regarding the foregoing misconduct and warned that further misconduct could result in administrative separation. However, you were advanced to HN (E-3) on 16 September 1996.

On 16 May 1997 you received a second NJP for two instances of absence from your appointed place of duty and incapacitation for

the performance of your duties. Punishment imposed was a reduction in rate to HA ((E-2) and 45 days of restriction and extra duty. All punishment was suspended for six months.

On 17 July 1997 you were enrolled in an outpatient alcohol abuse treatment program. However, on 29 July 1997 the command was notified that you had not met the requirements of the program due to returning late from lunch on 21 July, and failure to attend treatment on 22 July, and an Alcoholics Anonymous meeting on 23 July 1997. You were released from the program and your potential for continued service was considered poor. Separation by reason of alcohol abuse rehabilitation failure was recommended.

On 13 August 1997 you were notified that you were being considered for administrative separation by reason of alcohol abuse rehabilitation failure. You were advised of your procedural rights and that the least favorable characterization of service would be a general discharge. You submitted a statement in your own behalf but waived the right to have your case reviewed by the general court-martial convening authority. On 15 August 1997 the discharge authority directed a general discharge by reason of alcohol rehabilitation failure. You were so discharged on 25 August 1997 and assigned an RE-4 reenlistment code.

Regulations require the assignment of an RE-4 reenlistment code to individuals discharged by reason of alcohol abuse rehabilitation failure. The Board noted your desire to enlist in the Army, the alcohol evaluation which states you show no evidence of alcohol abuse or dependence, and the evidence of your enrollment in a licensed vocational nurse program. However, the Board noted that you were enrolled in an outpatient treatment program and failed to meet the requirements of that program due to your absences. Therefore, you met the criteria for separation by reason of alcohol abuse rehabilitation failure. The fact that current testing and evaluation has not found a current pattern of alcohol abuse or dependence does not provide a compelling basis for changing a correctly assigned reenlistment code. The Board concluded that the reenlistment code was proper and no change is warranted.

The Board did not consider whether the characterization of your service should be changed since you have not exhausted your administrative remedies by first petitioning the Naval Discharge Review Board. That board is authorized to change both the reason for discharge and the characterization of service. However, it cannot change a reenlistment code. Enclosed is a DD Form 293 used for applying to that board.

Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure